

REMARKS

Responsive to the Sixth Office Action dated 3/16/2004, Applicant reaffirms the foregoing claim amendments in its Fifth Amendment in the 37 CFR 1.121 current format to more particularly point out applicant's invention and avoid the 35 USC 112 objections in the Fourth Office Action resolved by First Amendment dated September 6, 2002 and respectfully traverses their grounds for rejection.

On December 16, 2002, a telephonic conference with the Examiner, applicant's counsel, Marcus G. Theodore and William Britt, and inventor Evan Lott was held to discuss suggested claim language to satisfy the Examiner's 35 USC 112 concerns and overcome the 35 USC 103 references of record to date. The above amendments were submitted in the Fifth Amendment to adopt the Examiner's telephone conference suggestions to more particularly point out applicant's invention, and enable the Examiner to conduct a fourth search before passing the claims for final review.

Inasmuch as applicant overcame the 35 USC 112 rejection and 35 USC 103 rejection based on the Garrett, May, Johnston, and Bosco references by revising the claims for the third time pursuant to the Examiner's suggestions, they were entered. These revised claims 12-22 should now be allowed since the Examiner's recently expanded search discussed in the 3/16/04 Office Action did not uncover any additional references.

The amended claims are not obvious for the reasons previously outlined in the earlier amendment responses (see in particular, Applicant's Third Amendment filed April 15, 2003). Specifically, on page 3 of the 3/12/04 non-final Office Action, the Examiner admits in rejecting base claim 12, as amended, that the "Garrett and May references do not explicitly disclose data in the claimed databases do not have a cross indexing scheme; sorting and matching the non-corresponding sequences of insurance, drive, and vehicle databases to generate a working database."

The Examiner then states:

"However, Insure-Rite discloses sorting and matching non-corresponding sequences of insurance, driver and vehicle databases, where the data is not cross-indexed, to generate a working database (i.e. database compares state data on vehicle registrations and driver licenses with policy information provided each month by all Utah insurers) (page 1). It would have been obvious to one of

ordinary skill in the art at the time of Applicant's invention to include sorting and matching non-corresponding sequences of insurance, driver and vehicle databases, where the data is not cross-indexed, to generate a working database as disclosed by Insure-Rite within Garrett and May for the motivation of reducing uninsured motorists on the highway (see page 1, first paragraph)"

Said Examiner summary materially misrepresents page 1 of a Salt Lake Tribune Article dated 6/7/1996 cited by the Examiner as new material referenced in the Insure-Rite web site, the only relevant paragraph of which actually states:

"The database compares state data on vehicle registrations and driver licenses with policy information provided each month by all Utah insurers. The system, the first of its kind nationally, is paid for with a \$1 surcharge on all yearly vehicle registrations." (Emphasis added)

The 6/7/1996 Salt Lake Tribune Article fails to disclose that the data in the databases do not have a cross indexing scheme; sorting and matching the non-corresponding sequences of insurance, driver, and vehicle databases to generate a working database. Nor does it suggest employing all the accurate, inaccurate, repetitive, complete, and incomplete information concerning insurance, driver information, and vehicle information. Thus, there is no grounds on which to reject the new claims under 35 USC 103(a). The article is silent as to whether, for example, pre-screening is employed. Further, the article of 6/7/96 states: "We'd love to see the systems actually work, . . . We just don't know if it does." (See last sentence.) And, mid-way through the article ". . . some still don't think the numbers are accurate."

Between the time the first experiments by Insure-Rite were conducted and the filing of the instant application, the claimed invention was made (as set forth in the current claims) whereby without pre-screening or cross indexing the system, through selective sorting and matching a non-insured motorist report is produced which is reliably accurate even though inaccurate and redundant information is part of the input.

As shown by a recent article in the Salt Lake Tribune dated April 22, 2004, the Salt Lake Tribune Article of June 7, 1996 was written at a time when the technology was still deemed experimental and therefore could not have disclosed a perfected embodiment anticipating the present invention. This latest article is attached hereto as Exhibit I.

The recent Salt Lake Tribune article indicates a decrease in number of insured drivers from about 20% to about 6% currently. The article of 1996 indicated an uninsured percentage of about 10%. The decrease from 10% to 6% is reflective of the improvement affected by the instant invention while accepting and processing information without pre-screening.

It is apparent that a decrease of from 10% to 6% represents a 40% decrease in the number of uninsured drivers. Further, in any process where an error percent of zero is approached, the improvement becomes more difficult. (The law of diminishing returns.) Thus, it can be argued that the improvement from 10% to 6% was more difficult to achieve than the earlier improvement from 20% to 10% uninsured drivers.

As the recent article indicates, it is only now that the State of Utah regards the system as sufficiently reliable, per Col. Scott Duncan of the Utah Highway Patrol for his officers "take quick action against violators in the field. He further observed that steps could be made in insurance status, while some legislators indicated sufficient confidence in the system to urge impoundment of cars driven by non-insured violators.

Consequently, nothing in the June 7, 1996, Salt Lake Tribune Article combined with Garret or May suggests Insure-Rite's garbage in, reliable data out methodology covered by base claim 12, which reads:

12. (thrice amended) A method for identifying uninsured motorists comprising:
 - a. inputting into a computer processor without pre-screening a database of available accurate, inaccurate, repetitive, complete, and incomplete information concerning in-force insurance policies from all insurance carriers within a geographical area, including data containing, but not limited to the name of the insured, their mailing addresses, driver's license numbers, dates of birth, policy numbers and effective dates, make of vehicle, year of vehicle, type of vehicle, and vehicle identification number,
 - b. inputting into a computer processor without pre-screening a database of available accurate, inaccurate, repetitive, complete, and incomplete information concerning driver information from the motorist licensing division within a geographical area containing, but not limited to a driver's full name, their license number, address, date of birth,
 - c. inputting into the computer processor without pre-screening a database of available accurate, inaccurate, repetitive, complete, and incomplete information concerning vehicle information from the division of motor vehicles within a geographical area containing, but not limited to the full name of the owner, mailing address, vehicle identification number, make and year of

- the vehicle; whereby the data in the three data bases do not have common cross indexing categories, and
- d. computer processing the databases by sorting and matching the non-corresponding sequences of insurance, driver, and vehicle databases to generate a working database of uninsured motorists.

The rejection of base claim 12 was therefore improper and should be withdrawn. Similarly, claims 13, 14, 15, 16, 17, 18, and 19 dependent thereon are not anticipated and should be allowed as none of the combined Garrett, May, Salt Lake Tribune Article, Johnston, and Bosco references disclose Insure-Rite's garbage in, reliable data out methodology covered by base claim 12, and these claims dependent thereon.

Nor is Applicant's base method Claim 20 amended in substantially the same fashion as Claim 12 suggested by the references discussed above for improperly rejecting Claim 12. Said base method claim 20, and dependent claims 21 and 22 dependent thereon, should therefore be allowed for the reasons discussed in Applicant's Third Amendment.

Applicant's revised Claims 12 through 22, as amended, cover an insurance verification method using all available data, whether complete, accurate, interrelated, or repetitive from three data sources: insurance companies, state motor vehicle records, and state driver's license records. This data is not pre-screened by category (previously added claim amendment). It also does not contain corresponding cross-matching interrelated data field categories for common indexing (added claim amendment). A sorting and matching program, is then employed where the databases do not have sufficient cross-indexing to be a reliable match in and of themselves.

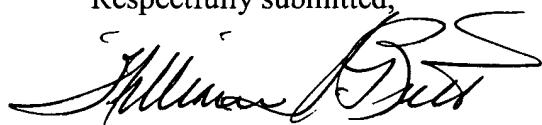
Revised Claims 12 through 22 eliminate the need for extensive personnel screening training and ensures more than sufficient data input to generate highly accurate automobile insurance verification lists. Applicant's employment of all available data without pre-screening or common indicia indexing, whether accurate or not, to provide a very highly accurate lists of drivers having automobile insurance is counterintuitive to the problem being solved and is not disclosed nor suggested by the previous references, either standing alone or in combination

In summary, the rejection of Claims 12 through 22, as amended, should therefore be withdrawn. The Examiner has repeatedly searched the prior art in a manner at variance with the procedures specified in the MPEP and has uncovered no prior art, which suggests or anticipates the invention. Applicant's invention and method provided the first statistically accurate

uninsured motorist lists, which are reliable enough to be accessed in real time on line for field detention of uninsured motorists. It therefore meets the unexpectedly improved properties not present in the prior art under *In re Dillon*, 919 F.2d 692-93 (16 USPQ2d at 1901) to establish non-obviousness.

Claims 12 through 22 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,



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The Salt Lake Tribune

THURSDAY April 22, 2004

State may get tough on uninsured vehicles

By Joe Baird
The Salt Lake Tribune

Utah has gotten tougher in the past decade on drivers who fail to properly register or insure their vehicles. Now, some state lawmakers want to put the hammer down even harder.

Sen. Leonard Blackham, R-Moroni, told members of the Transportation Interim Committee on Wednesday that it might be time to get serious about impounding the vehicles of those who fail to register or, even more importantly, insure their vehicles. And to be proactive about it, if possible.

"The problem is, that if you have an expired or suspended registration, you have to be pulled over or get into an accident before you get caught," said Blackham. "And a significant number of those involved in accidents are uninsured, with an expired license or registration."

"We don't want to put a burden on those who follow the law; we want to get those who are out of compliance."

Among the possible solutions batted around Wednesday: Allow law enforcement to impound the vehicles of recalcitrants.

Current statutes allow the impounding of violators' cars for certain registration violations, such as revoked registrations or writing bad checks for registration fees. Lawmakers proposed putting more teeth into the impound penalty, making it automatic rather than discretionary -- and adding lapsed insurance to the list of impound offenses.

"To people who don't have insurance, the law doesn't mean a thing," said Judy Hamaker-Mann, director of the Department of Public Safety's Driver License Division. "A citation won't change their mind, but impounding their vehicle will -- and it will get that vehicle off the road."

Hamaker-Mann told legislators that the number of uninsured drivers on Utah's roads has dropped dramatically since vehicle registration requirements were tightened in 1993, falling from 20 percent to about 6 percent.

But with nearly 2 million registered vehicles in the state, that still means about 120,000 are uninsured.

While acknowledging the "complexity" of the issue, Blackham -- who was unsuccessful in passing more modest vehicle registration reforms during the last legislative session -- wondered if it was feasible for law enforcement to go out and seize the vehicles of violators. Others called that impractical, given manpower and cost constraints.

However, Utah Highway Patrol Col. Scott Duncan says the state's database technology for monitoring vehicle registration and insurance status has improved to the point that law enforcement officers could now take quick action against violators out in the field.

"We feel like the database is reliable enough now that

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we can make a stop based on [insurance status]," said Duncan. "Not only can we tell whether drivers are insured or uninsured, but we can even [get] the name of the insurance company."

But Rep. Todd Kiser, R-Sandy, urged caution in crafting any new vehicle registration legislation. Kiser, an insurance agent, says innocent vehicle owners could mistakenly have their cars impounded if a late insurance payment is made, or if insurance coverage is revoked, then reinstated.

"If we're going to start towing cars, this is something I need to get comfortable with," Kiser said.

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